

7/25/2006

Karen Lurie Britton

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KAREN LURIE,
Plaintiff,

vs. CIVIL ACTION NO.
GLOBE LIFE AND 1:06-cv-0034MEF
ACCIDENT
INSURANCE
COMPANY, et al.,

Defendants.

* * * * *

DEPOSITION OF

KAREN FRANCES LURIE BRITTON,
taken pursuant to notice and
stipulation on behalf of the
Defendants, in the Law Offices of
Morris, Cary, Andrews & Talmadge, 170
East Main Street, Dothan, Alabama,
before Tiffany B. Beasley, Certified
Court Reporter and Notary Public in
and for the State of Alabama at Large,
on July 25, 2006, commencing at 10:38
a.m.



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Karen Lurie Britton

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2
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1 STIPULATIONS

2 It is stipulated and agreed
3 by and between counsel representing
4 the parties that the deposition of
5 KAREN FRANCES LURIE BRITTON may be
6 taken before Tiffany B. Beasley,
7 Certified Court Reporter and Notary
8 Public in and for the State of Alabama
9 at Large, without the formality of a
10 commission; and all formality with
11 respect to other procedural
12 requirements is waived; that
13 objections to questions, other than
14 objections as to the form of the
15 questions, need not be made at this
16 time, but may be reserved for a ruling
17 at such time as the deposition may be
18 offered in evidence or used for any
19 other purpose by either party as
20 provided by the Federal Rules of Civil
21 Procedure.

22 It is further stipulated and
23 agreed by and between the parties

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1 hereto and the witness, that the
2 signature of the witness to this
3 deposition is hereby not waived.
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1 KAREN FRANCES LURIE BRITTON, of
2 lawful age, having first been duly
3 sworn, testified as follows:

4 THE REPORTER: Usual
5 stipulations?

6 MR. SANSPREE: She wants to --
7 we want to reserve the
8 right to read and sign.

9 MR. PARKER: Okay.

10 EXAMINATION

11 BY MR. PARKER:

12 Q. Please state your name.

13 A. Karen Frances Britton.

14 (Off-the-record discussion.)

15 Q. My name is George Parker, and I
16 represent Globe Life in the lawsuit
17 that you filed against it. Do you
18 understand that you're here today to
19 give your deposition?

20 A. Yes, I do.

21 Q. Okay. Do you understand the answers
22 that you're going to give are under
23 oath?

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1 A. Yes, I do.

2 Q. Have you ever given a deposition
3 before?

4 A. No.

5 Q. Okay. What I'm going to do is I'm
6 going to ask you a series of
7 questions, and if you would, answer
8 them in the best way that you can. To
9 avoid a problem for the court reporter
10 taking down what's said, if the answer
11 is a yes or no, answer with a yes or a
12 no rather than a nod or an uh-huh or
13 huh-uh so Tiffany can take down
14 what's -- what's being said here
15 today, okay?

16 A. Okay.

17 Q. If you need a break, just let me know.
18 We can certainly accommodate you. If
19 you don't understand what I'm asking
20 you, you know, ask me to repeat it,
21 because I want you to understands what
22 I'm asking you, okay?

23 A. Okay.

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1 Q. Are you taking any type medication
2 today that would impair your ability
3 to testify?

4 A. No.

5 Q. Okay. If you would, will you tell me
6 your date of birth?

7 A. 11/9/61.

8 Q. Okay. And your Social Security
9 number?

10 A. 255-23-3920.

11 Q. Okay. And where do you currently
12 live?

13 A. 4181 County Road 73, Midland City,
14 Alabama 36350.

15 Q. 36350?

16 A. Uh-huh.

17 Q. Okay. Is that in Dale County?

18 A. Yes.

19 Q. Okay. How long have you lived at that
20 address?

21 A. About 20 years.

22 Q. Okay. And who lives at that address
23 with you?

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1 A. My husband and my children.

2 Q. Okay. What is your husband's name?

3 A. Michael.

4 Q. And the last name Britton,
5 B-R-I-T-T-O-N?

6 A. Yes.

7 Q. Okay. And which children -- what are
8 your children's names that live with
9 you?

10 A. Arian.

11 Q. How do you spell that?

12 A. A-R-I-A-N Britton.

13 Q. Okay.

14 A. And Jadon, J-A-D-O-N, Britton.

15 Q. Okay.

16 (Brief interruption.)

17 Q. Okay. And how old are Arian and
18 Jadon?

19 A. Arian is 4; Jadon is eight months.

20 Q. Okay. Does anybody else live in that
21 house with you?

22 A. No.

23 Q. Is Jadon your -- your child with

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1 Michael?

2 A. Yes.

3 Q. Is Arian a step-child of yours?

4 A. Yes.

5 Q. What does Michael do for a living?

6 A. He farms.

7 Q. Do you live on a farm?

8 A. Yes.

9 Q. Okay. Does he farm at this --

10 A. Yes.

11 Q. -- County Road address? Okay. What
12 type farming?

13 A. Endangered poultry and livestock.

14 Q. Okay. What is endangered poultry?
15 What does that mean?

16 A. You're probably not familiar with the
17 ALBC, but it's an organization that
18 through Mother Earth News and other
19 organizations -- I don't know how to
20 explain this. Some of the birds that
21 we have are endangered --

22 Q. Okay.

23 A. -- or near extinction, and so we're

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1 trying to preserve that breed. We
2 also have Boer, B-O-E-R, meat goats,
3 which is for breeding and meat.

4 Q. Okay. What type -- what would be
5 examples of the type poultry that you
6 have -- what type birds?

7 A. Barred Rock chickens, Rhode Island Red
8 chickens, Wyandotte chickens, Guineas,
9 peacocks, geese, rare geese, ducks,
10 etc.

11 Q. Okay. Do you farm those to breed
12 them, or to sell them to stores, or to
13 sell them for -- what do you sell --
14 who do you sell the product to? Does
15 that make sense?

16 A. Uh-huh.

17 Q. Okay.

18 A. With the ALBC, they are -- in the
19 process of breeding them up for them,
20 and they turn around and -- I can't
21 remember the name of it. Michael
22 handles all of this. I don't.

23 MR. SANSPREE: He's just

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1 asking who you sold them
2 to. Do you sell them
3 back to the ALBC? Is
4 that what you said?

5 A. You raise some of their birds, and you
6 turn around -- and then they do a
7 series of testing and eating and
8 stuff, and, yeah, they do. But we
9 haven't done that yet. We're in the
10 process of that. But, then, if
11 somebody -- yeah. We sell ducks; we
12 sell geese. And we hatch and breed --
13 you know, breed and hatch eggs. It's
14 a hatchery.

15 MR. SANSPREE: He just wanted
16 to know who you sold them
17 to.

18 Q. Yeah. So you would --

19 MR. SANSPREE: Who did you
20 sell them to, basically,
21 what he wants to know.
22 People?

23 A. Yeah.

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1 Q. Okay.

2 A. I'm sorry.

3 Q. Sure. No. No.

4 A. I misunderstood.

5 Q. I was just trying -- that's just kind
6 of an interesting type farm. It's
7 different than the usual type farm you
8 hear about, and I was just trying to,
9 you know, understand who --

10 A. It's a rare niche, yeah.

11 Q. Do you farm any type -- any type
12 produce on that farm?

13 A. No.

14 Q. Okay. And how long has -- has that
15 type farming been going on at that
16 farm?

17 A. Since, I believe, September of '05.

18 Q. Okay. And how long have you and
19 Michael been married?

20 A. We were married on June the 27, 2005.

21 Q. Okay. And then a couple of months
22 after you got married, he started this
23 type farming on that land where y'all

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1 live?

2 A. Uh-huh.

3 Q. Okay.

4 MR. SANSPREE: Answer yes or
5 no --

6 A. Yes.

7 MR. SANSPREE: -- or however
8 you want to answer.

9 Q. Did he have experience doing that
10 before?

11 A. No.

12 Q. Okay. And you were also married to
13 David?

14 A. Yes.

15 Q. Okay. And when were y'all married?
16 What years?

17 A. April 1st, 1983, until his death,
18 January the 6th, 2004.

19 Q. Okay. Other than Michael and David,
20 have you been married to anyone else?

21 A. Yes.

22 Q. Okay. Tell me who else you've been
23 married to.

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1 A. My first husband was Myron Johnson.

2 Q. Okay.

3 A. From Headland, Alabama.

4 Q. And when were y'all married? What
5 dates?

6 A. June 22nd, 1979 --

7 MR. SANSPREE: I don't know
8 how you remember that.

9 A. -- through -- well, until I married
10 Chris -- or David; it's David
11 Christopher. He went by Chris.

12 Q. Okay. Just -- I want to make sure I
13 call him the right name. Chris is how
14 you referred to him?

15 A. Chris is David, yes.

16 Q. So I'm going to call him Chris
17 throughout the deposition, okay?

18 A. Okay.

19 Q. So June 22nd, 1979, until when were
20 you married to Myron?

21 A. January of '82, I believe, if I
22 remember correctly.

23 Q. Okay. Did you and Myron divorce?

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1 A. Yes.

2 Q. Did y'all have children?

3 A. Yes.

4 Q. Okay. Tell me the names of your
5 children with Myron.

6 A. One daughter, Kylie, K-Y-L-I-E,
7 Johnson.

8 Q. Okay. And when you and Myron were
9 married, where did y'all live?

10 A. In Headland.

11 Q. Do you remember the address where
12 y'all lived in Headland?

13 A. Route 1, Headland.

14 Q. Okay. And Kylie, where does she live
15 today?

16 A. She lives in Mobile.

17 Q. How old is she?

18 A. 26.

19 Q. Is she married?

20 A. No.

21 Q. Okay. Do you know what she does for a
22 living?

23 A. She has a master's degree in speech

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1 pathology.

2 Q. Okay.

3 A. She's working at a local hospital
4 there in Mobile.

5 Q. And is her name Kylie Johnson; is that
6 her name?

7 A. Yes.

8 Q. Now, did you and Chris have children?

9 A. Yes.

10 Q. Okay. Tell me the names or name of
11 your children with Chris.

12 A. Christopher.

13 Q. Okay.

14 A. And William.

15 Q. Do they go by the last name Lurie?

16 A. Yes.

17 Q. And where do they live?

18 A. Dothan.

19 Q. Okay. How old is Christopher?

20 A. 21.

21 Q. And what does he do for a living?

22 A. He works at Chili's, and he's going to
23 school.

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1 Q. Okay. Does he work as a waiter or
2 bartender or manager?

3 A. A waiter.

4 Q. Okay. At the Chili's here in Dothan?

5 A. Uh-huh.

6 Q. And William, what does he do for a
7 living?

8 A. He's self-employed.

9 Q. Where does he live?

10 A. Where does?

11 Q. Where does he live? Does he live in
12 Dothan?

13 A. Dothan.

14 Q. What type work does he do?

15 A. He has his own little business.
16 It's -- I can't recall the name of it.
17 He just started it up. It has to do
18 with providing services to -- etching
19 glass.

20 Q. Okay. And how old is William?

21 A. 20.

22 Q. 20. Are either William or Christopher
23 married?

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1 A. William is.

2 Q. Okay. What's his wife's name?

3 A. Natalie.

4 Q. Okay. Do you know what she does for a
5 living, where she works?

6 A. No.

7 Q. So you and Michael have lived County
8 Road 73 the entire time that y'all
9 have been married; is that right?

10 A. Yes.

11 Q. Okay. When you and Chris were
12 married, where did y'all live?

13 A. Same house, 4181 County Road 73 in
14 Midland City, Alabama 36350.

15 Q. Okay. And that's the same address you
16 gave me earlier?

17 A. Yes.

18 Q. Okay. Who lived at that address with
19 you during y'all's marriage? Who
20 lived at that address with you and
21 Chris when you and Chris were married?

22 A. William and Christopher.

23 Q. Okay. Nobody else from time to time

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1 lived there; they were the only two
2 people that lived there?

3 A. Yes.

4 Q. Okay. And in 2004, when Chris passed
5 away, William was about 18 or 17 years
6 old?

7 A. Seventeen, I believe.

8 Q. Christopher was 19 or 20; is that
9 close?

10 A. Eighteen.

11 Q. Okay.

12 A. If I recall correctly.

13 Q. Do you have any other children?

14 A. Yeah -- well --

15 Q. Other than the ones that we've talked
16 about so far?

17 A. No.

18 Q. Okay. Let me ask you just a little
19 bit about your educational background.
20 Did you graduate from high school?

21 A. Yes, I got a GED.

22 Q. Okay. When did you get your GED? Do
23 you have any idea of the year?

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1 Just in the '80s, in the --

2 A. 1980.

3 Q. Okay. Where did you go to high school
4 before getting your GED?

5 A. Berry High School in Birmingham,
6 Alabama. Hoover.

7 Q. Okay. And how far along did you get
8 in school?

9 A. Eleventh.

10 (Off-the-record discussion.)

11 Q. What year was it when you -- when you
12 left school in 11th grade?

13 A. It would have been in '79.

14 Q. Okay. And once you got your GED, have
15 you been to any type classes or any
16 schools or any junior colleges or
17 colleges since that time?

18 A. No.

19 Q. No more education since getting your
20 GED in 1980?

21 A. No.

22 Q. Okay. Are you able to read and write?

23 A. Yes.

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1 Q. Okay. Never had any problem with
2 reading or with writing?

3 A. No.

4 Q. And let me just tell you, some of the
5 questions, I have to ask you. Not
6 meant to patronize you or make light
7 of anything. I just have to ask some
8 type questions, okay, and that's just
9 one of them.

10 Are you currently
11 employed?

12 A. No.

13 Q. When is the last time you were
14 employed?

15 A. I want to say '88, slash, '89.

16 Q. What was the last job that you can
17 remember having?

18 A. I worked at Double D Food Mart, which
19 no longer exists, in Midland City.

20 Q. What type work did you do there?

21 A. Clerk.

22 Q. Is that a grocery store?

23 A. Yes.

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1 Q. Okay. Did you work the register
2 and --

3 A. Yes.

4 Q. -- do different things in the store
5 that needed to be done?

6 A. Yes.

7 Q. Okay. How long did you have that job?

8 A. About a year.

9 Q. Do you remember why you left?

10 A. My grandmother passed away.

11 Q. Is that a family business?

12 A. No.

13 Q. Okay. Where else can you recall
14 working?

15 A. Prior to that, I had my own dance
16 studio.

17 Q. Okay. What was that called?

18 A. Karen's Studio of Dance, Midland City.

19 Q. Okay. Is that a dance studio for
20 younger children?

21 A. Teaching small children tap, ballet.

22 Q. How long was that -- that business
23 open?

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1 A. Two years.

2 Q. Okay. Was that before you worked as a
3 clerk at the WD Food Mart (phonetic)?

4 A. I believe so.

5 Q. Do you remember the two years that
6 that business were open, which years
7 those might have been?

8 A. Not right off, no.

9 Q. Was it in the 1980s?

10 A. Yes.

11 Q. Okay. Did you own that business by
12 yourself?

13 A. Yes.

14 Q. What other jobs can you remember
15 having in the past?

16 A. I'm going way back now.

17 Q. Just do the best you can.

18 A. I worked at various restaurants.

19 Q. In the Dothan --

20 A. Dothan.

21 Q. -- Houston County, Dale County area?

22 A. Yes. And I was -- worked security at
23 K-Mart.

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1 Q. Okay. Here in the Dothan area?

2 A. Yeah -- yes.

3 Q. Was that in the '80s?

4 A. Yes.

5 Q. Did you -- where did you grow up?

6 A. Birmingham, the Hoover area.

7 Q. And then when did you move to the
8 south Alabama area?

9 A. '79.

10 Q. After finishing -- or after getting a
11 GED or after finishing school?

12 A. Yes.

13 Q. Okay. And since that time, 1979, have
14 you lived down in the Dale or Houston
15 County area?

16 A. Yes.

17 Q. Since that time, you haven't had any
18 periods of time where you've moved
19 away?

20 A. No.

21 Q. The address that you gave me earlier,
22 the County Road 73 address, is that
23 some land that you've had in your

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1 family, or did you purchase the land?

2 A. Both.

3 Q. Okay. How much land is it? How many
4 acres is the farm?

5 A. Where we reside? Two.

6 Q. Because that -- is the two acres where
7 you have a house and live?

8 A. Yes.

9 Q. Okay. And then how much farmland is
10 there over there?

11 A. A hundred and thirty-five acres.

12 Q. And you've lived in that area at the
13 two-acre plot of the 135 acres for the
14 past 20 years; am I right on that?

15 A. Yes.

16 Q. Okay. Before you married William,
17 what did -- what was done with the
18 land out there? He started farming,
19 as I understand it, in September of
20 2005. Was it farmed by others, or was
21 there any type farming activity
22 performed on the land before that?

23 MR. SANSPREE: Before she

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1 married Michael. You
2 said William.

3 Q. I'm sorry. I'm sorry. Michael.

4 A. Repeat the question.

5 Q. Okay. Before you married Mike -- and
6 as I understand it, Michael started
7 farming that land in September of
8 2005?

9 A. Yes.

10 Q. Okay. Before that time, was there --
11 were there other people that were
12 farming that 135 acres?

13 A. That's my father's business.

14 Q. Okay. Was your father a farmer?

15 A. No. He rents land out to farmers.

16 Q. Okay. Do other family members live
17 out there near that?

18 A. On that land, no.

19 Q. Okay. Is your father still alive?

20 A. Yes. But he's ill.

21 Q. Okay. Is your mother still alive?

22 A. Yes.

23 Q. Okay. Do they -- does she or he live

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1 out near the farm?

2 A. Yes.

3 Q. And so your father would -- would rent
4 the land to other farmers in the area
5 that wanted to, maybe, farm the land,
6 the 135 acres that we're talking
7 about?

8 A. Yes.

9 Q. Okay. Did you ever help out with any
10 of that farming in the past 20 years
11 or so?

12 A. No.

13 Q. Were you -- were you, basically,
14 raising children for the past
15 20 years?

16 A. Homemaker, yes.

17 Q. Do you have any type hobbies or things
18 that you like to do that aren't --
19 aren't work, but they're maybe
20 associations or groups that you do
21 things with or activities that you do?

22 A. As in?

23 Q. Well, different -- maybe associations,

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1 like civic groups that you might be
2 involved in, church groups that you
3 might be involved in?

4 A. Church.

5 Q. Where do you go to church?

6 A. Cornerstone Bible Church. John D.
7 Odom Road, Dothan, Alabama.

8 Q. Okay. How long have you been going
9 there?

10 A. Off and on since 2001.

11 Q. Okay. Are you active in the choir or
12 the Sunday school group or any of the
13 different types of groups that may
14 be --

15 A. Not at this time, no.

16 Q. Okay. Have you in the past been?

17 A. Not in choir, no.

18 Q. Any type group in the church you've
19 been actively involved with?

20 A. Yes. I've worked with the children,
21 yes.

22 Q. Okay. Any other type hobbies,
23 activities, interests that you've been

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1 active in?

2 A. An occasional fishing trip.

3 Q. Okay. Have you ever been involved in
4 a lawsuit before?

5 A. No.

6 Q. Okay. Have you ever been convicted of
7 a crime?

8 A. No.

9 Q. Have you ever had any type worker's
10 compensation claim?

11 A. No.

12 Q. Okay. Ever filed a claim for any type
13 of insurance benefits that you can
14 recall in the past other than the one
15 that we're here about today?

16 A. I don't remember.

17 Q. Okay. Have you ever had to testify in
18 court before?

19 A. Yes.

20 Q. Okay. What type cases have you had to
21 testify in court about?

22 A. Custody.

23 Q. Was that custody case involving your

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1 own children?

2 A. Uh-huh, yes.

3 Q. Other than maybe -- maybe lawsuits or
4 disputes you may have had in the
5 domestic relations court dealing with
6 custody or with a divorce, have you
7 ever had to go to court to testify
8 about anything else?

9 A. No.

10 Q. Okay. I'm going to let you look at
11 the complaint that's been filed in
12 this case, and I'm going to mark it as
13 Exhibit A. Have you read the
14 complaint that's been filed in this
15 case?

16 A. I'm not sure.

17 Q. Okay. I'm going to let you look at
18 this and mark it Defendants' Exhibit
19 A, and let me know if you've ever read
20 that before.

21 (The referred-to document was
22 marked for identification as
23 Defendants' Exhibit A.)

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1 MR. SANSPREE: Do you remember
2 his question? He asked
3 if you ever read that
4 before.

5 A. I believe I have.

6 Q. Okay. Do you know when you may have
7 read it?

8 A. I don't remember.

9 Q. Okay. Did you -- were you involved
10 with drafting it or helping out with
11 the wording of it?

12 A. No.

13 Q. Okay. You just looked at it a second
14 ago while we were sitting here; is
15 that right?

16 A. Yes.

17 Q. Okay. Is there anything in it that
18 you believe is inaccurate as you sit
19 here today and you've just reviewed
20 the complaint?

21 MR. SANSPREE: She needs to
22 take her time to read
23 it --

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1 MR. PARKER: Sure.

2 MR. SANSPREE: -- if you're
3 going to ask her that.
4 Put an objection in to
5 any legal terms. She's
6 not going to be able to
7 answer those.

8 MR. PARKER: Sure.

9 A. Page 2, No. 11.

10 Q. Bear with me one second. Page 2, No.
11 11?

12 A. Am I correct in saying that's supposed
13 to be defendant or decedent.

14 MR. SANSPREE: That means the
15 deceased.

16 A. See, I don't know that.

17 MR. SANSPREE: She didn't
18 draft this, for the
19 record. I mean, I did
20 it.

21 MR. PARKER: Okay.

22 Q. Okay.

23 A. It's okay.

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1 Q. Looks accurate to you?

2 A. Yes.

3 Q. Have you ever been represented by the
4 Beasley firm before in any other type
5 case or in any --

6 A. No.

7 Q. -- any other matter? Okay. Have you
8 talked to anybody other than your
9 lawyers about any of the facts or
10 circumstances regarding your dispute
11 with Globe Life?

12 A. No.

13 Q. I know you've produced some documents
14 in this case. Other than what's been
15 produced so far, do you maintain or
16 have you maintained any type diary or
17 notes regarding your dispute with
18 Globe Life?

19 A. No.

20 Q. Everything you've got maybe at your
21 home has been turned over to your
22 attorneys for production in this case?

23 A. Yes.

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1 Q. Okay. To prepare for today's
2 deposition, did you review any
3 documents?

4 A. Yes.

5 Q. Do you remember what you reviewed?

6 A. No.

7 Q. Let me ask you a couple of questions
8 about Chris. Where did he work?

9 A. Service Machine.

10 Q. Okay. And how long did he work there?

11 A. This was his -- he worked there prior.
12 This was his third day on the job. He
13 had gone back there -- prior to that,
14 he was at Maha.

15 Q. Can you spell that?

16 A. M-A-H-A.

17 Q. Okay. When was he at Maha? Kind of
18 give me a history of where he worked,
19 the best you can remember.

20 A. Best I can remember, he was at Maha
21 from 2001 to 2004. Do you want me to
22 go back further?

23 Q. Well -- okay. 2001 to 2004, was he

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1 working there at the time he passed?

2 A. At Maha, no.

3 Q. Okay.

4 A. He had been hired with Service
5 Machine.

6 Q. Okay. Did he work one or two days
7 during 2004 at Maha? My question is
8 if he passed on the 6th, then I'm just
9 trying to figure out --

10 MR. SANSPREE: It was his
11 third day at work at
12 Service Machine when he
13 died.

14 A. It was his second day on the job.

15 Q. Okay. So he worked 2001 to 2003 at
16 Maha?

17 A. I think so.

18 Q. Okay. And then Service Machine, he
19 passed on his second day on the job.
20 Would he have started on the 5th?
21 Worked the 5th and then the 6th?

22 A. Yes.

23 Q. What did he do at Maha?

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1 A. He was a machinist.

2 Q. What type machines would he work on?

3 Do you know?

4 A. Mills, drills, lays, shapers.

5 Q. Okay. Do you remember how much he was
6 making at Maha?

7 A. Hourly?

8 Q. Well, if he was paid hourly. If he
9 was paid a salary, then if you can
10 remember his salary.

11 A. I believe 12.50.

12 Q. Okay. That's per hour?

13 A. Yes.

14 Q. Okay. Do you remember how much he was
15 making at Service Machine?

16 A. No.

17 Q. Okay. Was it in that range, in the
18 12.50 area?

19 A. Yes.

20 Q. Okay. And do you know what he was
21 going to be doing at Service Machine,
22 what his job there was going to be?

23 A. Machinist.

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1 Q. Had he worked there before?

2 A. Yes.

3 Q. When did he work there previously,
4 Service Machine?

5 A. Prior to Maha.

6 Q. Okay. Do you remember how long or
7 what years?

8 A. No.

9 Q. Okay. How many years had he worked at
10 Service Machine in the past prior to
11 going back to work for them in 2004?

12 A. Four or five. Maybe more. I do not
13 remember.

14 Q. Sure. How many stints did he have at
15 Service Machine? How many different
16 times did he work at Service Machine?

17 A. Those two times.

18 Q. Okay. So he had four years straight
19 with Service Machine, and then he --
20 then he also worked at Maha, and then
21 he went back to Service Machine?

22 A. Yes. And Maha is no longer open.

23 Q. Okay.

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1 A. Prior to them closing, he knew what to
2 do.

3 Q. Okay. Did he have the same job at
4 Service Machine when he went back in
5 2004 that he did before?

6 A. Yes.

7 Q. Okay. And when you say, he had four
8 years at Service Machine, would those
9 have been in the late '90s, early
10 2000s, or would that have been earlier
11 in the 1990s? I'm just trying to get
12 an idea of where he worked during what
13 years.

14 A. Late '90s, early 2000.

15 Q. Okay. Can you recall other places
16 where he worked?

17 A. Dothan Machine Shop.

18 Q. Do you remember how long he worked
19 there and when?

20 A. No.

21 Q. Okay.

22 A. Tri-State Machine Shop.

23 Q. Same question, do you remember when or

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1 how long he worked there?

2 A. '80s.

3 Q. Okay. Any other places you can recall
4 that he worked?

5 A. No.

6 Q. Okay. During the, I guess, 20 years
7 that y'all were married, did he always
8 work as a machinist?

9 A. Yes.

10 Q. And there may have been places he
11 worked in addition, but the places you
12 recall that he worked were Dothan
13 Machine Shop, Tri-State Machine Shop,
14 Maha, and Service Machine?

15 A. Yes.

16 Q. Okay.

17 (Off-the-record discussion.)

18 (Brief recess taken.)

19 Q. Before we broke I was talking -- or we
20 were talking about Chris's past jobs,
21 and you told me the different places
22 that he worked as a machinist in the
23 past.

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1 A. Yes.

2 Q. And we -- when we left off, we were
3 talking about that he had taken a job
4 with Service Machine, where he had
5 worked before, and he had worked a
6 couple of days before he passed away;
7 is that -- is that accurate?

8 A. Yes.

9 Q. I've got a calendar here, because I
10 think that it may be helpful to make
11 sure we're on the same page on dates
12 and everything. And this is a
13 January '04 calendar that I just
14 printed off of my calendar at the
15 office. I'm hoping there's no
16 appointments on here.

17 (The referred-to document was
18 marked for identification as
19 Defendants' Exhibit No. B.)

20 (Off-the-record discussion.)

21 Q. According to this calendar, the 5th
22 was a Monday of January '04?

23 A. Oh, there's the number. Okay.

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1 MR. SANSPREE: That's
2 December. This is
3 January.

4 MR. PARKER: Yeah.

5 A. Yes.

6 Q. Okay. And the 6th was a Tuesday?

7 A. Yes.

8 Q. So he would have started back at the
9 new job on the 5th, on that Monday?

10 A. Yes.

11 Q. Okay. And he passed away on the
12 Tuesday?

13 A. Yes. He was killed Tuesday morning.

14 Q. What were his hours at Service Machine
15 when he went back to work?

16 A. Excuse me. Seven to 3:30, I believe.

17 Q. Okay. When he died, was he on his way
18 to work?

19 (Off-the-record discussion.)

20 A. Pardon?

21 Q. Was he on his way to work when he
22 passed away on the 6th?

23 A. When he was killed on the 6th, yes.

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1 Q. Okay. And he was riding a motorcycle?

2 A. Yes.

3 Q. Do you know if he ever was involved in
4 any type lawsuits while he was alive?

5 A. No.

6 Q. Okay. Did he have any -- any problems
7 with -- with the law, any criminal
8 convictions, anything like that?

9 A. No.

10 Q. What was his educational background?

11 A. High school. He graduated from tool
12 and die school.

13 Q. Is that like a vocational school?

14 A. I believe. That would have been
15 before I met him. And -- and had a
16 year of college.

17 Q. When did y'all meet?

18 A. June '82, I believe.

19 Q. Okay. Now, at the time that he died,
20 he was making 12.50 an hour; is that
21 right?

22 A. If I recall correctly.

23 Q. In that range, maybe a little more,

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1 maybe a little less --

2 A. In that range.

3 Q. -- but in that range? Was there any
4 other income coming into the family at
5 the time?

6 A. No.

7 Q. Okay. At the time that he died, what
8 was the -- what debt did the family
9 owe? Did you owe a mortgage on the
10 house?

11 A. Yes.

12 Q. Okay. Do you remember how much it
13 was?

14 A. No.

15 Q. Do you remember how much in a range it
16 was?

17 A. No. Thirty-five to 50, somewhere in
18 there.

19 Q. Okay. Thousand?

20 A. Yes.

21 Q. Okay.

22 A. Yes.

23 Q. Okay. Did you owe on cars, owe money

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1 on cars?

2 A. At that time, no. I don't believe.

3 Q. Okay. Owe money on credit cards?

4 A. No.

5 Q. Okay. Other than the mortgage, did
6 you owe any money to anybody that you
7 can recall, anybody or any companies?

8 A. No.

9 Q. Okay. Have you or Chris or the two of
10 you together, had you ever had to file
11 bankruptcy or had any type financial
12 problems?

13 A. No.

14 Q. Following his death, did you receive
15 any benefits from any source by virtue
16 of his passing away?

17 A. Yes.

18 Q. Okay. Can you recall who you received
19 benefits from and why you received
20 those benefits? For example, did he
21 have any life insurance policies?

22 A. Would be the automobile.

23 MR. SANSPREE: Just tell him.

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1 A. I'm trying to remember. The
2 automobile policy; the other people
3 that were in the accident paid out.

4 Q. Do you remember how much you got?

5 A. I want to say 50.

6 Q. Okay. And that was from the other
7 people's insurance?

8 A. Uh-huh.

9 Q. Did you get some money from your own
10 insurance, underinsured or uninsured
11 motorist coverage; does that ring a
12 bell?

13 A. I don't remember.

14 Q. Okay. Any life insurance policies
15 pay?

16 A. I don't remember.

17 (Off-the-record discussion.)

18 Q. Other than the 50,000 that you
19 received, can you recall any other
20 monies that any other companies or
21 persons paid you or your family as a
22 result of the death? May be that the
23 other person that he was involved in

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1 the wreck with had monies that were
2 paid to you but it was an insurance
3 company that paid. Any benefits or
4 any monies that you can recall other
5 than the 50,000?

6 A. A hundred and ten, I think it was,
7 from CNA.

8 Q. What was that for?

9 A. It was a -- AD&D through the bank.

10 Q. Was that a credit life type policy
11 or --

12 A. I don't know. He just took it out. I
13 don't know.

14 Q. Okay. So he had \$110,000 amount that
15 CNA --

16 A. Yeah.

17 Q. -- insurance company paid for a bank;
18 is that...

19 A. The premiums were taken out through
20 the bank. You know, they have those
21 little --

22 Q. A bank draft.

23 A. It's, like, a thousand-dollar policy

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1 if you have an account with the bank.
2 And then they do the little -- you pay
3 a certain amount ever so often and --
4 yeah. That.

5 Q. So he got through the bank -- which
6 bank?

7 A. Headland.

8 Q. Through that bank --

9 A. Well, it didn't come -- well, it came
10 directly from CNA, but through the
11 bank. They was just the middle man
12 for the payment.

13 Q. Headland Bank was the bank you did
14 your --

15 A. Yes.

16 Q. -- banking business with?

17 A. Yes.

18 Q. And through, maybe, something that was
19 automatic when you banked with them or
20 through some policies that he may have
21 taken out, y'all received \$110,000 but
22 the payment was received on a CNA
23 insurance check?

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1 A. I think so.

2 Q. Okay. Any other amounts such as that
3 that you can recall?

4 A. Not that I can recall, no.

5 Q. Okay. Did you -- other than Globe --
6 and I'm going to ask you about the
7 Globe dispute in a minute. But other
8 than Globe, were there any other
9 companies that you made claims?

10 A. Not that I recall, no.

11 Q. Okay. No denials of any claims by any
12 other companies?

13 A. No.

14 Q. Okay. At his job, did he have health
15 insurance?

16 A. No.

17 Q. Did you owe medical bills from any
18 type medical treatment due to the
19 accident? Were there any medical
20 bills -- were there any medical bills
21 associated with the accident?

22 A. No, there -- no, there wasn't --

23 MR. SANSPREE: I think he

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1 passed immediately.

2 A. There was not even -- there was
3 nothing left.

4 Q. Okay. And, I'm sorry. These are
5 questions I just have to ask. And I'm
6 not doing it to make you
7 uncomfortable. These are just
8 questions I have to ask, and I'm
9 trying to do it in the most sensitive
10 way that I can, and I apologize if I
11 don't, okay?

12 A. Just move along.

13 Q. Okay. In the past, had y'all taken
14 out any insurance, such as this Globe
15 Life policy, with any companies such
16 as life insurance or disability
17 insurance, any type insurance that you
18 and Chris had taken out that you can
19 recall that you paid monthly premium
20 on?

21 A. Not that I recall.

22 Q. Okay. What was Chris's general health
23 history?

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1 A. Good.

2 Q. Okay. Did he have any type health
3 problems?

4 A. He was diabetic.

5 Q. How long was he diabetic?

6 A. Since he was about 16.

7 Q. Who was the doctor that treated him
8 for that condition?

9 A. Doctor Paulk.

10 Q. Doctor Paulk?

11 A. Yeah.

12 Q. Is he in Headland or Dothan?

13 A. Dothan.

14 Q. Are there any other doctors that you
15 knew of that treated him for diabetes?

16 A. Yes. But I can't recall the name
17 really.

18 Q. Okay. Were there any other conditions
19 such as diabetes that he suffered
20 from?

21 A. No.

22 Q. Okay. Did he ever have to be
23 hospitalized for any reason that you

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1 can recall?

2 A. No.

3 Q. Okay.

4 A. He was controlled.

5 Q. Okay. Any illnesses or injuries that
6 required him to go to the emergency
7 room that you can ever recall?

8 A. No.

9 Q. Was he on any medications when he died
10 for diabetes or for any type
11 condition?

12 A. Diabetes, yes.

13 Q. Do you remember what he took?

14 A. Insulin.

15 Q. Okay. Is that something he took
16 daily?

17 A. Yes.

18 Q. Okay. Do you recall when the -- this
19 Globe Life policy was first taken out?

20 A. I believe he took it out in...

21 MR. SANSPREE: You don't need
22 to be testifying on what
23 you believe or what you

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1 think. You need to
2 testify to what you know.

3 A. April 2003.

4 Q. Okay. And did he discuss with you the
5 policy before he took it out?

6 A. As in?

7 Q. Did you know he took it out when he
8 took it out?

9 A. Yeah.

10 Q. Okay. Were you with him when he was
11 talking about maybe taking it out?

12 A. All I know is he took it out.

13 Q. Okay. In 2003 he took out a
14 disability or an accident policy?

15 A. Yes.

16 Q. And did he discuss with you how much
17 it was going to cost or how much it
18 was going to pay or why he thought it
19 would be a good idea to take it out or
20 how he learned about the policy or
21 other people that may have had the
22 same type policy, just that kind of
23 stuff; did y'all talk about any of

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1 that before he took it out?

2 A. No. I just paid the premiums.

3 Q. Okay. How did he alert you that a
4 premium was owed?

5 A. Statement came in the mail.

6 Q. Okay. So the statement came in the
7 mail, but before it did, you already
8 knew he had applied for the policy?

9 A. Yes.

10 Q. Okay. And that's something he talked
11 to you about before he did it or while
12 he was filling it out or after he had
13 sent it in? Do you remember?

14 A. I don't recall.

15 Q. Okay. You recall a statement came in
16 the mail, and you paid it?

17 A. Yes.

18 Q. Okay. And you -- but you already knew
19 what it was for because he had either
20 told you that he had taken it out, or
21 y'all had talked about --

22 A. Yes.

23 Q. -- the policy? Were you the one when

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1 you and Chris were married that paid
2 the bills?

3 A. Yes.

4 Q. Okay. Did he do any of the -- write
5 any of the checks for the family?

6 A. Sometimes.

7 Q. Okay. How would it -- how would you
8 decide who would pay which bills
9 during the course of a month?

10 A. I did the majority of it.

11 Q. Did he ever write checks for the
12 premium for this policy?

13 A. No. I did.

14 Q. Okay. Would you agree -- well, let me
15 ask you this: Up until November of
16 2003, did you pay the premium on it
17 each month on time?

18 A. Yes.

19 Q. Okay. After November 2003, would you
20 agree with me that -- that a payment
21 was not made in association with your
22 November -- November invoice of 2003?

23 A. Repeat that.

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1 Q. Okay. There was an invoice in
2 November of 2003. Do you remember
3 that?

4 A. Yes.

5 Q. And would you agree with me that you
6 didn't pay it?

7 A. No.

8 Q. You would not agree with me?

9 A. No.

10 Q. Okay. Would you agree with me that
11 you did not pay the invoice due
12 November -- or for November 28th,
13 2003, before December 29th, 2003?

14 A. Yes.

15 Q. Okay. That -- you would agree with me
16 that one was not paid? There was an
17 invoice that went to you in November
18 that was to be paid by or before
19 December 29th, 2003; do you recall
20 that?

21 A. I'm just looking at what you were
22 thumbing --

23 Q. Oh, no. I --

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1 A. -- what you were --

2 Q. No, no. I was just trying to see if
3 that's how you recalled it, that in
4 November, there was a premium due that
5 was not paid?

6 A. That premium was paid on January the
7 4th.

8 Q. Okay. Let me let you look at this.
9 This may help. This is on -- let me
10 just do this: The documents here
11 are -- L-U-R-I-E 01 to L-U-R-I-E 075,
12 the documents that were produced in
13 this case. And I'm just going to
14 attach them all as a cumulative
15 exhibit because there may be some
16 questions I'm going to ask you about
17 these documents. I'm going to attach
18 these all as Exhibit C.

19 (The referred-to document was
20 marked for identification as
21 Defendants' Exhibit C.)

22 Q. If you look through there, I think
23 it's No. 18, L-U-R-I-E 18, that has a

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1 due date 11/28/03 up in the top
2 right-hand side of the invoice.

3 A. Uh-huh.

4 Q. Okay. Was that -- was this -- is this
5 an invoice for premium that's owed; is
6 that what you understand this to be?

7 A. Yes.

8 Q. Was this one paid?

9 A. Yes.

10 Q. Okay. And is this the one you said
11 was paid -- when was this one paid?

12 A. January 4th, 2003.

13 Q. Okay. Can you tell from this sheet
14 when -- when the amount was due?

15 A. It says here November 28th, '03.

16 Q. Okay. The due date 11/28/03?

17 A. Uh-huh.

18 Q. Okay. Was it paid on or before the
19 due date?

20 A. No.

21 Q. Okay. Was not. Do you remember this
22 invoice coming to you that was due
23 11/28/03?

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1 A. I don't recall.

2 Q. Okay. Did you ever have any problems
3 receiving or -- or getting payments to
4 Globe Life? Did you ever have any
5 problems with the mail and with
6 receiving statements from them?

7 A. No.

8 Q. Okay. Did you ever have any problems
9 with your checks getting to them?

10 A. No.

11 Q. Okay. Would you agree with me -- and
12 these are documents that I received
13 from you -- that you did receive this
14 invoice here, that I have here in my
15 group of documents, No. 18; you
16 received the invoice that had a due
17 date 11/28/03?

18 A. I don't recall receiving that
19 particular invoice, no.

20 Q. Okay. Do you recall if you received
21 an invoice in December?

22 A. Pardon?

23 Q. Do you recall if you received an

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1 invoice in December at any point
2 stating that they did not receive your
3 November payment?

4 A. I don't know. Where is that --

5 MR. SANSPREE: I'm sorry.

6 Here. Here it is.

7 A. What I'm looking for --

8 MR. SANSPREE: He just asked
9 if you recalled receiving
10 an invoice in December.

11 A. Yeah -- yes.

12 Q. Okay.

13 A. Sorry.

14 Q. I'm just trying to make sure I've got
15 the facts straight as you -- you
16 remember them. In early '03, an
17 application was taken out, and you
18 were the one that made the premium
19 payments for this policy --

20 A. Yes.

21 Q. -- to Globe Life?

22 A. Yes.

23 Q. And you get a series of invoices in

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1 the mail at this 4181 County Road 73
2 address?

3 A. Yes.

4 Q. And in November, one came to you that
5 stated the due date was November 28th,
6 2003, as reflected in L-U-R-I-E 0018?

7 A. Yes.

8 Q. And no payment was made before the due
9 date of 11/28/03?

10 A. There was a payment made in October
11 for the October premium.

12 Q. True. In relation to this invoice
13 that was due -- the November invoice
14 that was due 11/28/03, no payment was
15 made before --

16 A. No.

17 Q. -- 11/28/03?

18 A. No.

19 Q. Okay. And the next time you heard
20 back from Globe Life was when, that
21 you can recall in relation to this
22 policy?

23 A. I think it was sometime around -- on

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1 or around January the 2nd.

2 Q. So January 2nd -- and I think there's
3 a copy of this letter 0020.

4 MR. SANSPREE: Flip through
5 there.

6 A. I looked, and I didn't see it.

7 MR. SANSPREE: Go ahead,
8 George. I'm sorry.

9 Q. Look at 0020.

10 MR. SANSPREE: Two pages after
11 that. There it is.

12 Q. Is that a copy of the next
13 correspondence --

14 A. Yes.

15 Q. -- you received from them?

16 A. Yes.

17 Q. Okay. And the date up there is
18 January 2nd, 2004?

19 A. Yes.

20 Q. Okay. Now, do you recall when you
21 received this letter from Globe Life
22 that's dated Lurie 0020?

23 A. A week or so around that date.

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1 Q. Okay. It was after January --

2 A. You said January 20 or January 2nd?

3 Q. I'm sorry. January 2nd.

4 A. January 2nd.

5 Q. Okay. It's Lurie 0020. That's the
6 one I'm looking at.

7 A. All right.

8 Q. Do you remember when you would have
9 received this January 2nd letter from
10 Globe Life?

11 A. I would say it was about a week or so
12 after that --

13 Q. Okay.

14 A. -- after I had already made the
15 payment on the 4th.

16 Q. So you received this letter after you
17 had already made the payment?

18 A. Yes.

19 Q. Okay. And between the statement or
20 invoice that's marked as LURIE 0018
21 and the letter or LURIE 0020, do you
22 recall if there was any other
23 correspondence --

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1 A. No, I don't.

2 Q. -- to you from Globe Life?

3 A. No, I don't. It was holiday time.

4 Q. What did y'all do during that holiday
5 period? Do you remember if you were
6 in town or out of town, or do you
7 remember anything about that holiday?

8 A. In town.

9 Q. Okay. During Christmas and New
10 Year's?

11 A. Uh-huh.

12 Q. Okay. Did you go on any trips during
13 that --

14 A. No.

15 Q. -- at Christmastime?

16 A. Did the -- you know, the Santa Clause
17 thing and --

18 Q. Okay. Was your husband working --
19 before he went back to his old place
20 of employment on the 5th, was he
21 working during that time for the other
22 machine shop that he worked for? Was
23 there any gap in employment for him at

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1 that time?

2 A. I -- no, I don't think so. No. That
3 would have been -- where is the
4 calendar? His last day was Friday,
5 December -- no, December -- the Friday
6 prior to that -- to the beginning of
7 2004, his first day with Service
8 Machine would have been --

9 Q. Look at that. Does that help you?

10 A. Is this '03?

11 Q. Yes.

12 A. Okay. So then -- that's right.
13 Because his last day would have been,
14 I believe, based on looking at this
15 calendar, the 31st.

16 Q. Okay. The 31st was a Wednesday. So
17 it would have been the 2nd -- would
18 have been the Friday?

19 A. Yes, I believe.

20 Q. Okay. So the best that you can
21 recall, January 2nd was his last day
22 at Maha, and January 5th was his first
23 day at Service?

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1 A. December -- yeah, January 2nd was last
2 day. And then back over here.

3 MR. SANSPREE: Right there.

4 A. This calendar is odd.

5 Q. There's January 1, January 2, January
6 3 and 4, then 5, 6. So it starts
7 right -- there's January 1, so --

8 A. Okay.

9 Q. -- these are the last few days of
10 December.

11 A. If I recall correctly, the last day
12 was Friday that he worked with Maha.
13 He started with Service Machine on the
14 5th and was killed on the 6th.

15 Q. And the 6th, he was killed in the
16 early morning hours of the 6th?

17 A. Yes.

18 Q. Approximately 6 a.m.?

19 A. 5:40.

20 Q. Okay. But in any event, he was
21 working a regular schedule; your
22 family was in the Headland area?

23 A. No.

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1 Q. Midland City area?

2 A. Yes.

3 Q. Okay. And you don't recall going on
4 vacation or out of town or anything
5 like that?

6 A. No.

7 Q. Okay. Now, when did you write the
8 check, the \$33.60 -- I think a copy of
9 that check is in this stack as 02 --
10 when did you write that check?

11 A. January 4th. It would be a Sunday
12 night after the holidays paying the
13 bills.

14 Q. And what triggered you to write that
15 check?

16 A. The bills were due. That notice was
17 in my stack of bills there. I looked
18 at it and said pay that.

19 Q. Okay. Which notice?

20 A. This one, 0020.

21 Q. Okay. On January 4th, 0020, dated
22 January 2nd, was in your stack of
23 bills?

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1 A. Yes. Yes.

2 Q. So you received -- that was dated
3 January 2nd. You wrote the check on
4 January 4th. So you must have
5 received that mail on January 3rd?

6 A. Yes. I guess. No. Yeah. I don't
7 remember. All I know is I got this;
8 this was laying there; I saw here
9 where it says had to receive a payment
10 by January the 17th, 2004; this was
11 the 4th; I said, good deal; wrote the
12 check out; put it in the mailbox that
13 night.

14 Q. Earlier I thought I remembered you
15 saying that you had already mailed the
16 check when you got that letter?

17 A. Is it this one or the -- or that one?

18 MR. SANSPREE: Look at it. I
19 don't know.

20 A. I'm trying to remember. Oh, yeah.
21 Okay. I apologize. I said that I had
22 gotten this letter about a week or so,
23 give or take a day or two, after I had

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1 already made the payment on the 4th.

2 Q. Okay.

3 A. And that -- and then I -- when I got
4 this, that was -- I said, well, I'm
5 okay because it was mailed out on the
6 4th and here it is -- it had to be
7 there by the 17th, so I'm sure that
8 was ample time for Globe to receive my
9 premium.

10 Q. So what triggered you to write that
11 check on the 4th? You said there was
12 a bill in your stack of things, and
13 I'm wondering what -- what it was that
14 you saw that triggered you to write
15 the check?

16 A. I don't know. I mean, the bills were
17 due. I owe -- that was also received
18 afterwards.

19 Q. Okay.

20 MR. SANSPREE: She doesn't
21 know what you're pointing
22 to. You're going to have
23 to identify --

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1 A. I was pointing to 0001. This was
2 received after Chris's death, after
3 they had already -- which one is that?

4 MR. SANSPREE: It's Document
5 No. 1.

6 Q. Okay. Okay. I just want to make sure
7 we're on the same page and I
8 understand what you're saying. You
9 wrote the check on January 4th in the
10 p.m., afternoon --

11 A. Right. I always sat down on Sunday
12 nights to pay my bills, and whether I
13 had a document in my hand or not, I
14 had one of the little calendars that
15 had what was due when.

16 Q. Well, according to 0018, that was due
17 November 28th.

18 A. Yes. I said I was late on that.

19 Q. Did you -- did you call anybody at
20 Globe and ask them if you could still
21 make that payment --

22 A. No.

23 Q. -- almost five or six weeks late?

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1 A. No.

2 Q. Had you been late ever before on a
3 payment on the Globe policy?

4 A. Not that I recall, no.

5 Q. Okay. So at the time you wrote the
6 check on January 4th, the only thing
7 you would have received from Globe was
8 0018, which is the invoice showing a
9 due date of 11/28/03?

10 A. Yes.

11 Q. Okay. And --

12 A. Excuse me.

13 Q. When you wrote the check, did you
14 enclose a stub or anything from Globe
15 Life with your payment that you can
16 recall?

17 A. Yes. I'm sure I did.

18 Q. Okay. You would have torn something
19 off of -- off of one of the invoices?
20 There's something on there you would
21 include with your payment?

22 A. Yes. But I don't remember if I did or
23 not. All I know is I put the payment

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1 in the envelope --

2 Q. Okay.

3 A. -- and mailed it out on June the 4th,
4 2004.

5 Q. Okay. You put it in the mailbox on
6 June 4th -- I mean, January 4th?

7 A. Yes. Did I say June? Forgive me.
8 January.

9 Q. Okay. January 4th you put the letter
10 in the mailbox at your house?

11 A. Yes.

12 Q. What time does the mail usually run
13 out at your house?

14 A. It varies.

15 Q. What's the general time? In January
16 of 2004, do you remember when the mail
17 would run? Afternoon? Morning? Late
18 afternoon? Do you remember anything
19 like that?

20 A. Usually ran around between 9 and 10 in
21 the morning.

22 Q. Okay. Do you remember any other
23 checks that you wrote on that Sunday?

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1 Because you said you paid -- you
2 usually paid your bills on Sunday. Do
3 you remember any other checks that you
4 wrote on that Sunday?

5 A. I think -- I don't remember. Car
6 insurance or something.

7 Q. And that would have gone -- or the
8 power -- I don't --

9 MR. SANSPREE: You can't --
10 you can't sit here and
11 testify under oath to
12 stuff you don't remember.
13 If you don't remember,
14 that's fine.

15 A. Okay. I don't remember.

16 Q. Okay. And you would have put a stamp
17 on the letter and put it in your
18 mailbox, put up the little flag; and
19 the mail carrier would have come by
20 and gotten your mail out of your
21 mailbox on that Monday?

22 A. Yes.

23 Q. And that would be January the 5th?

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1 A. Yes.

2 Q. Okay. I see that this check is
3 written on the Headland National Bank
4 account. Chris and Karen Lurie are
5 the names on the account. Were there
6 any other checking accounts that you
7 would write checks out of for family
8 type bills?

9 A. No.

10 Q. Okay. This was the general family
11 checking account?

12 A. Yes.

13 Q. And the one that you would deposit
14 money that the family received into --

15 A. Yes.

16 Q. -- and pay, for example, the mortgage
17 or different premiums that are owed
18 out of this account?

19 A. Yes.

20 Q. Okay. So then the next day on the
21 6th, after you -- after the mail runs
22 on the 5th, your husband dies on the
23 6th?

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1 A. He was killed on the 6th.

2 Q. And when is the next time you can
3 recall receiving any correspondence
4 from Globe Life?

5 A. It would have been this, wouldn't it?

6 Q. It would have been the letter?

7 A. 0020.

8 Q. Okay. That's the letter dated
9 January 2nd, 2004?

10 A. Yes.

11 Q. Okay. So -- and I know I've asked you
12 this a couple of times, but I just
13 want to make sure we're on the same
14 page. The check was dated
15 January 4th?

16 A. Yes.

17 Q. Put in the mailbox and taken by the
18 mail carrier on January 5th?

19 A. I don't know what happened to it after
20 I put it in the mailbox on
21 January 4th.

22 Q. You never saw it again after you put
23 it in the mailbox on --

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1 A. No, sir.

2 MR. SANSPREE: Well, that's
3 not actually true. We've
4 got it -- you're under
5 oath. You need to listen
6 to his questions.

7 MR. PARKER: I know. You're
8 right. You're right.

9 Q. You put it in the mail on the 4th.
10 Your mail doesn't run on Sundays;
11 right?

12 A. Right.

13 Q. Okay. After it goes out on the -- on
14 the next day, you don't see this
15 envelope until it comes up -- the
16 check until it comes up again in this
17 lawsuit; that's correct?

18 A. Yeah.

19 Q. Okay. And then after you mail it,
20 after you write the check, after your
21 husband passes away, you get a letter
22 from Globe Life that's marked here as
23 0020 that has the date of January 2nd,

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1 2006, on it?

2 A. I didn't write the check after my
3 husband passed away.

4 Q. Let me make sure. You write the
5 check; it's dated January 4th?

6 A. Right.

7 Q. You put it in the mail; husband passes
8 away; and then you receive a letter
9 from Globe, dated January 2nd, 2004?

10 A. Yes.

11 Q. Okay. When you got the letter that's
12 marked as 0020, what did you do?

13 A. I said, as I said before, I had
14 already made that payment, and I had
15 to have it there by the 17th. And I
16 said, so I'm in good standing; it was
17 paid as they stated.

18 Q. Okay.

19 A. As Globe stated.

20 Q. Did you contact them when you received
21 this letter and advise them that your
22 husband had passed away?

23 A. Yes.

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1 Q. You did contact them?

2 A. Yes.

3 Q. Okay. How long -- how many days after
4 you received this letter did you
5 contact them?

6 A. The 12th.

7 Q. Contacted Globe Life on January 12th?

8 A. Monday, January 12th.

9 Q. Okay. And what can you recall about
10 that conversation with them?

11 A. My attorney, Will Matthews, contacted
12 them on the 12th. I was present in
13 his office.

14 Q. Okay. Can you remember anything about
15 the conversation?

16 A. He -- he called to notify them of his
17 death, told them that he had been
18 killed on January the 6th, 2004, and
19 wanted to know what steps we had to
20 take -- he was helping me get my
21 paperwork up, claim.

22 Q. Okay. At that time did they look to
23 see if they had received the check

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1 that was referenced in -- on the
2 January 2nd letter?

3 A. I don't know.

4 Q. That never came up in the
5 conversation?

6 A. They -- no.

7 Q. Okay. What did they tell your
8 attorney that he needed to do?

9 A. They told him that -- that -- we told
10 them that the payment had been put in
11 the mail on the 4th, and they said
12 that it was okay so long it was
13 there -- it was there by the 17th; the
14 policy was still in effect.

15 Q. Okay. Did -- if you look at this
16 calendar and you see that the 12th is
17 a Monday and you just recalled calling
18 Globe with your attorney on the
19 12th --

20 A. (Nods head.)

21 Q. -- can you give me an estimate as to
22 when -- if you keep that date in mind,
23 when you may have received this

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1 January 2nd letter? Was it before you
2 made that call with your attorney on
3 the 12th?

4 A. Yeah.

5 Q. Okay. So you already had the letter?

6 A. Yeah. Because it would have been a
7 couple of days.

8 Q. Okay. So would you agree with me that
9 in your recollection you received the
10 January 2nd letter sometime after your
11 husband passed away but before you
12 made the call on the 12th?

13 A. Yes.

14 Q. Okay. Sometime between the 6th and
15 the 12th?

16 A. Yes.

17 Q. Were you checking your mail every day
18 when all of this was going on when
19 your husband had passed away, or did
20 you have mail that was kind of
21 stacking up around your house just
22 because you were busy with a lot of
23 things?

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1 A. During that week, yeah, sure, I
2 checked the mail. But he was buried
3 on Friday the 9th.

4 Q. Okay. You just don't recall when you
5 received the letter that was dated the
6 2nd?

7 A. (Shakes head.)

8 Q. Okay. Do you recall receiving the
9 January 16th letter, the letter with
10 the 0001 on the bottom right?

11 A. I don't recall the exact day, but I
12 know I received that after, you know,
13 they had accepted payment and after he
14 had died --

15 Q. Okay.

16 A. -- or was killed.

17 Q. After you talked to Globe on the 12th
18 with your attorney or after your
19 attorney made the call and there was a
20 conversation with somebody at Globe,
21 can you recall other conversations you
22 had with anybody at Globe about this?

23 A. I don't recall.

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1 Q. Okay. Did you let your attorney make
2 the calls, or did you make some of the
3 calls?

4 A. After that time over -- he made some.
5 I know I made a few. I don't recall
6 exactly when. It was, like, you know,
7 what is the status of this claim, you
8 know. The first thing they would say
9 whenever a call was, I'd give them the
10 number, and they'd say, yes, this
11 policy is still in effect.

12 Q. Okay. After you -- after the
13 payment -- or let me ask this: After
14 the due date of 11/28/2003 was
15 passed -- and I'm referencing the
16 invoice of No. 18 that has 11/28/03 as
17 the due date -- did you discuss with
18 your husband that you had -- that you
19 didn't make that payment?

20 A. No.

21 Q. Was there a reason why that payment
22 wasn't made?

23 A. Well, just I was late on some bills.

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1 Q. Okay. Can you recall --

2 A. It was the holiday and just...

3 Q. Can you recall any other bills that
4 you were late with in that November,
5 December time frame?

6 A. No. No.

7 Q. Do you recall anybody that was at the
8 house or in any way had knowledge of
9 your making this payment and writing
10 this check on January 4th, 2004 -- and
11 one thing before I ask you that, it
12 says 2003 on this check. Is this your
13 writing on LURIE 02 that says, check
14 should have said '04, my error; check
15 dated '03 by habit, new year, Globe --
16 can you help me with that word?

17 A. I can't see it from here.

18 MR. SANSPREE: What page?

19 Q. 02.

20 MR. SANSPREE: There it is.

21 A. Yes, that's my handwriting.

22 Q. It says, check should have said '04,
23 my error; check dated '03 by habit,

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1 new year; Globe corrected it, as you
2 can see; cashed it, accepted, for the
3 premium due by the 17th of
4 January 2004, Karen Lurie?

5 A. Correct.

6 Q. Okay. That's your handwriting right
7 there. Okay. So the check that says
8 January 4, 2003, was written
9 January 4, 2004?

10 A. Yes.

11 Q. Okay.

12 A. You write 2003 all year, you know, and
13 you just --

14 Q. Okay. Did you tell anybody that you
15 can recall that you had written that
16 check?

17 A. No.

18 Q. Okay. Was there anybody in the house
19 that was with you helping you pay the
20 bills when you were making the
21 payment?

22 A. No.

23 Q. Okay.

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1 A. The kids don't get involved in that.

2 Q. Okay. If you would, let me take you
3 through these documents real quick.
4 If you look at No. 1, I notice there's
5 a little bit of writing on the
6 right -- I'm sorry; it's going to be
7 on the left-hand side, received after
8 death after accepting payment?

9 A. Uh-huh.

10 Q. Is that your writing there?

11 A. Yes.

12 Q. Okay. Do you remember when you wrote
13 that or why you wrote that?

14 A. It was jotted down for attorney's
15 notes, just what each document was in
16 reference to.

17 Q. Okay. And that's the same with 2;
18 that's just a note that you made?

19 A. Exactly.

20 MR. SANSPREE: I don't know
21 what 3 is.

22 Q. I don't know what 3 is either. Four
23 is a letter from William Matthews,

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1 your attorney, to Globe discussing the
2 death?

3 A. Yes.

4 Q. And you would get copies of those
5 letters from your attorney; is that
6 right?

7 A. Yes.

8 Q. Okay. The next one appears to be some
9 correspondence from Globe where they
10 returned the payment to you, the
11 33.60?

12 A. Yes. It went to Will Matthews, not
13 me.

14 Q. Okay. And then the check is the next
15 page, the refund check; is that right?

16 A. Yeah. And notice this -- records
17 indicate a premium payment in the
18 amount of 33.60 was received in our
19 office on January 16th. Which is
20 before the 17th when it had to be
21 there.

22 Q. When you wrote the check on the 4th,
23 when did you think it needed to be to

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1 the -- to Globe Life?

2 A. It had to be there before the 17th of
3 January.

4 Q. How did you know that?

5 A. Well, at the time of writing the
6 check, I hadn't received this yet so I
7 wouldn't have known that.

8 MR. SANSPREE: When you say
9 "this," you need to
10 identify it for the
11 record, because she
12 doesn't know what you're
13 talking about.

14 A. Speaking of 020.

15 Q. So that's my question. How did you
16 know when it needed to be over to
17 Globe Life in order to -- to still
18 have the policy in effect?

19 A. Well, when I was doing my bills, I saw
20 that it needed to be paid, so I paid
21 it.

22 Q. But you didn't know when it needed to
23 make it to Globe Life by?

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1 A. No. I mailed the check on the 4th and
2 then, like I say, later on that week
3 or so, I got this and looked back --

4 MR. SANSPREE: When you say
5 "this," please identify
6 it for the record,
7 please.

8 A. I'm sorry.

9 Q. The letter of January 2nd?

10 A. Still speaking of 020.

11 Q. So when you wrote the check on the
12 4th, you didn't know when it needed to
13 make it to Globe; would that be a fair
14 statement?

15 A. Uh-huh, yes.

16 Q. Because you hadn't received the letter
17 of January 2nd?

18 A. Yes.

19 Q. Let's see. Number 10 has a note on
20 the top of. It says Check No. 350 for
21 33.60 mailed by me and paid on 1/4/05,
22 posted on 1/21/04, paren, cleared; is
23 that what that says?

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1 A. Yeah, that's what it says.

2 Q. Okay. And when it says, posted, does
3 that mean it went through your bank on
4 the 21st?

5 A. I assume.

6 Q. Okay. That's your writing?

7 A. I know it's my writing, but I'm
8 trying -- you know, I'm having to
9 remember --

10 Q. Sure. Sure.

11 A. -- back. I paid it on 1/4; posted
12 on -- cleared, question mark. It
13 was --

14 THE WITNESS: You can jump in
15 there any time.

16 MR. SANSPREE: I can't answer
17 the questions. I wish I
18 could, but I can't.

19 A. I don't know how --

20 Q. I'm just trying to confirm that that's
21 your writing, and I'm just trying to
22 get an idea if posted means -- and you
23 may not remember -- but posted might

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1 mean that that's when it cleared your
2 checking account; is that what posted
3 means to you?

4 A. Yeah. Yeah. Because they received
5 the payment prior to that.

6 Q. Okay.

7 A. I believe they received the payment on
8 the 16th.

9 Q. Okay. And then the next couple of
10 pages, I guess, 11, 12, 13, 14, 15,
11 and 16, are -- that's the actual
12 policy?

13 A. Uh-huh.

14 Q. And the page that shows the benefits
15 and how much your premium is going to
16 be and that type information; is that
17 correct?

18 A. Yes.

19 Q. Okay. There's -- I see there's a mark
20 on Page 13 and Page 14. There's a
21 line drawn down there. Is that --

22 MR. SANSPREE: Thirteen.

23 Q. And a star. There's a star on 13 and

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1 a line on 14?

2 A. Uh-huh.

3 Q. Is that a mark that you would have
4 made, or if you have any idea who made
5 it?

6 A. That's probably -- I was reading over
7 this and highlighted these areas,
8 because on Page 14, where it states,
9 written notice of claim must be given
10 within 20 days after accidental death
11 or as soon as reasonably possible --
12 they had already received the payment
13 prior to that and -- well, and then
14 Will got up with them on the 12th,
15 which was, you know, ample time to
16 abide by that.

17 MR. SANSPREE: You just need
18 to answer his question.

19 A. Well, I'm trying -- did I underline
20 that? Yes.

21 Q. Okay.

22 A. Why did I underline it? Okay. (As
23 read:) Unless accepted by us under the

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1 reinstatement provision in the
2 certificate.

3 MR. SANSPREE: You just need
4 to answer the question
5 that he's asked.

6 A. Okay. What's the question? I'm
7 sorry.

8 Q. I just asked if you drew the line
9 under it, and if you can recall why
10 you underlined it?

11 A. That's what I was responding to. When
12 you wanted to know why.

13 Q. Okay.

14 A. That's what I was -- these were --
15 this was paperwork I was sending to
16 the attorney's office, and in that
17 reinstatement provision, the premium
18 was received by Globe before the 17th.
19 That was just like, look at this and
20 see if this is where -- this is for
21 them.

22 Q. Okay. Seventeen is a note, appears to
23 be in your handwriting; is that right?

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1 A. Yes.

2 Q. Okay. And just to save time, it says,
3 payment made on January 4th, \$33.60,
4 Check No. 950, mailed on January 5th,
5 2004. Chris was killed on January 6,
6 2004. Received notice from Globe on
7 or around January 12th?

8 A. Uh-huh, yes.

9 Q. Would that be the January 2nd letter
10 that we've been talking about, that
11 received notice from Globe?

12 A. Yes.

13 Q. So when you say, received notice from
14 Globe on or around January 12th, that
15 would probably be the January 2nd --
16 the letter dated January 2nd?

17 MR. SANSPREE: Which is
18 Bates-marked 020.

19 A. Yes.

20 Q. And then it says, notice generated on
21 January 2nd, but not postmarked until
22 January 7th?

23 A. Yeah.

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1 Q. Do you still have the letter -- the
2 actual envelope that that January 2nd
3 letter came in?

4 A. No.

5 Q. Do you -- did it get discarded? Do
6 you have any idea where it might be?

7 A. It's gone.

8 Q. Okay.

9 A. Yeah.

10 Q. And then it says, check written on
11 January 4th mailed out January 5th,
12 postmark. Have you seen the envelope
13 that your check was in since it left
14 your possession?

15 A. No.

16 Q. Okay. Do you remember when you wrote
17 this 0017, when you wrote this note?

18 A. No.

19 Q. We've already talked about 18.
20 Nineteen has a note on it. It says,
21 Will phone number. Is that Will
22 Matthews' phone number?

23 A. His office, yes.

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1 Q. Office number, okay. Twenty, we've
2 talked about. And is that your
3 writing on the right-hand margin of
4 20?

5 A. Yes.

6 Q. Okay. And you note, mailed
7 January 5th, 2004; received by Globe
8 January 16, '04?

9 A. It was put in the box on January the
10 4th.

11 Q. Next one is a copy of a check but with
12 no writing. And 22 is the back of
13 your check?

14 A. That's what it appears to be.

15 Q. Do you know where you got this -- the
16 back of the check from?

17 A. Off of the cleared check.

18 Q. Okay. That you got back from the
19 bank?

20 A. Yes.

21 Q. Okay. Your bank statement?

22 A. Yes.

23 Q. Okay. Then, let's see, 23 is a letter

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1 from Globe to your attorney?

2 A. Yes.

3 Q. Okay. Twenty-four is the request for
4 premium due January 28th?

5 A. Yeah.

6 Q. And you didn't pay that one?

7 A. Why, no.

8 Q. Okay. Twenty-five appears to be the
9 same letter that we've seen before in
10 0020, except for it's turned over a
11 different direction.

12 A. Yes.

13 MR. SANSPREE: We probably
14 copied those, George, a
15 couple of times.

16 MR. PARKER: Sure.

17 Q. Twenty-six looks like the same thing
18 as 18 just turned in, maybe, a
19 different direction?

20 MR. SANSPREE: It is. We
21 probably just copied
22 these documents twice,
23 George. Eighteen.

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1 A. Okay. Yes.

2 Q. Okay. And then if you would, look
3 through 27 to 33, and those records
4 appear to be some medical records
5 associated with making the accident
6 claim?

7 A. Yes.

8 MR. SANSPREE: Look through
9 these before you answer
10 any questions. He said
11 look through 27 through
12 33.

13 A. Yes.

14 Q. Okay. And then I think we may be
15 looking at some duplicates --
16 Documents 0034 through 0041, and I
17 think may be documents we've already
18 seen before, just documents regarding
19 the coverage and the policy type and
20 the policy provisions.

21 MR. SANSPREE: Did you
22 understand the question?

23 A. Yes.

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1 Q. Does that appear to be what those
2 pages are?

3 A. Yes.

4 Q. Let me ask you about 42 and 43. This
5 looks like a brochure that may have
6 been a two-sided brochure that -- with
7 a folded up -- I mean like a tri-fold?

8 A. Yes.

9 Q. Have you seen that before?

10 A. Yes.

11 Q. Was that some information about the
12 policy that your husband may have
13 looked at before he took it out?

14 A. Yes.

15 Q. Okay. And then the rest of the
16 documents are documents that you've
17 received from Globe mailed to David
18 since his death; those are just copies
19 of mailings maybe you've received from
20 Globe?

21 A. Yes.

22 MR. SANSPREE: Again, look
23 through them all. I

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1 don't think you're trying
2 to pull anything on her,
3 George; I just want to
4 make sure she's right.

5 MR. PARKER: Just
6 double-check. I think
7 that's what it is, but
8 double-check.

9 A. Those are...

10 MR. SANSPREE: Go ahead and
11 answer if you want to
12 answer.

13 A. Yes. Those are the same type -- same
14 type mail that still invades my
15 mailbox two years after his death.

16 Q. You're still getting that mail today?

17 A. Yeah.

18 Q. I've got a couple of documents here.
19 Those are marked as C. I've got a
20 couple here I'm going to mark as D.
21 And there are a couple of records out
22 of what I think Globe has produced
23 to --

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1 (The referred-to document was
2 marked for identification as
3 Defendants' Exhibit No. D.)

4 MR. SANSPREE: George, if
5 you'll throw me that
6 clamp, I was going to
7 clamp this together.

8 Q. Here's a group of documents that Globe
9 has produced to your attorney.

10 MR. PARKER: I think you've
11 already gotten those. I
12 just want to ask her
13 about a couple of those
14 pages.

15 A. Yeah.

16 MR. SANSPREE: Yeah. Seen
17 those. Death certificate
18 and everything.

19 Q. Looks like the top document in this
20 group of documents that are marked
21 collectively as D is a letter to Globe
22 from your attorney, where he was
23 trying to get some information

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1 together that they requested; is that
2 what that letter appears to be?

3 A. Yes.

4 Q. Okay. And --

5 MR. SANSPREE: Just for the
6 record, "they requested"
7 would be Globe Life?

8 MR. PARKER: Yeah.

9 Q. 0015 is -- is that a copy of the
10 application that your husband took out
11 in order to get this policy, if you
12 know?

13 A. I don't know.

14 Q. Okay. You don't know.

15 (Off-the-record discussion.)

16 Q. And then the rest of these, I think,
17 are documents that are associated with
18 records that may have been sent to
19 Globe by your attorney?

20 A. (Nods head.)

21 Q. Okay.

22 A. Yes.

23 Q. Okay. I'm going to mark these

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1 responses that you've already made in
2 this case as E. I just have a couple
3 of questions out of these. Do you
4 remember signing off on these
5 interrogatories, these responses that
6 your attorney may have helped you
7 prepare?

8 (The referred-to document was
9 marked for identification as
10 Defendants' Exhibit No. E.)

11 MR. SANSPREE: Let me get to
12 it, George.

13 MR. PARKER: Sure.

14 A. Yes.

15 Q. Okay. On Question No. 2 on the second
16 page of those documents, there's a
17 question that asks the names, address,
18 telephone number of each person who
19 has knowledge of any of the
20 allegations contained in the
21 complaint. And listed are Philip
22 Christopher Lurie and yourself and
23 Michael Britton.

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1 A. Yes.

2 Q. Are there any other persons that know
3 anything about any of the facts and
4 circumstances surrounding this
5 dispute?

6 A. No.

7 Q. Okay. What does Philip -- or what
8 does Christopher know -- what does he
9 know about it?

10 A. Just that Globe didn't pay up like
11 they were supposed to.

12 MR. SANSPREE: And, George,
13 just so -- because I know
14 we're in federal court,
15 and I want to make sure
16 you know about all the
17 witnesses -- we may call
18 her first attorney, Will,
19 because there was a phone
20 call. So make a note
21 that we need to
22 supplement this response
23 so it's not held against

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1 me later on.

2 MR. PARKER: Sure.

3 Q. So Will Matthews, he knows?

4 A. He notified them of his death, Globe.

5 He notified Globe of Chris's death.

6 Q. And you already mentioned one
7 conversation that you had while he was
8 talking to Globe on the 12th?

9 A. Yes.

10 Q. And you've shown me some letters that
11 he wrote on your behalf to Globe?

12 A. Yes.

13 Q. Okay. Philip -- or, I'm sorry,
14 Christopher, did he ever talk to
15 anybody at Globe that you know of?

16 A. No.

17 Q. He didn't see you write the check or
18 put the check in the mail?

19 A. No.

20 Q. He just knows that you've talked about
21 Globe not paying in this case?

22 A. He was aware of that.

23 Q. Okay. Is that extent of what he

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1 knows?

2 A. Yes.

3 Q. Okay. Will -- what does your husband
4 Michael know about the facts and
5 circumstances of this case?

6 MR. SANSPREE: I mean, just to
7 state that what does she
8 know that he knows. I
9 mean, she really -- you
10 may just want to call him
11 and ask him.

12 MR. PARKER: That's true.

13 MR. SANSPREE: But answer the
14 question. I was just
15 making sure that you're
16 not going to sit here and
17 tell him everything he
18 knows if you don't know.
19 But you tell him what you
20 know he knows.

21 A. I know he's aware of the fact that
22 Globe didn't pay me.

23 Q. Okay. He's aware of the lawsuit; he's

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1 aware of your contention that they
2 didn't pay, those type things?

3 A. Yes.

4 Q. He has no knowledge of when the check
5 was written or all that?

6 A. No.

7 Q. How long have you known Michael?

8 A. We met May 15th.

9 MR. SANSPREE: How do you
10 remember all these dates?

11 A. Because I'm ready.

12 MR. SANSPREE: I can't
13 remember anything.

14 A. Wait a minute -- because, see -- you
15 know, January jumps in the middle of
16 things.

17 Q. Sure.

18 A. So May -- May 2004.

19 Q. Okay.

20 A. May 15th, '04.

21 Q. Okay. So you didn't meet him until
22 after your husband passed and after
23 you had written the check and after

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1 you --

2 A. Yes.

3 Q. Okay. There's some doctors listed
4 here as -- in No. 9 as doctors,
5 hospitals, pharmacists, medical
6 providers, or healthcare providers
7 that provided you with medical
8 treatment for the emotional distress
9 alleged in your complaint?

10 A. What number?

11 MR. SANSPREE: He was reading
12 the question to you.

13 A. Yes.

14 Q. Okay. Did you -- do all these --
15 well, does Dr. Cook work at First Med?

16 A. Yes.

17 Q. Okay. Did you see Dr. Cook because of
18 your allegations that Globe Life
19 didn't pay on this policy? Is that
20 the reason why you had to go see him?

21 A. I had gone and seen him initially, I
22 guess, a month or so after Chris's
23 death for depression and -- as far as

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1 having to go and see Dr. Cook for --
2 because Globe didn't pay as they
3 should, no.

4 Q. You did not see Dr. Cook because of
5 anything having to do with this
6 lawsuit relating to Globe Life not
7 paying your claim?

8 A. Not that I remember, no.

9 Q. Same question for Dr. Faulk. Is that
10 Paulk?

11 A. It's supposed to be Paulk, yes.

12 Q. Same question for him.

13 A. Yes.

14 Q. You did see him because of your
15 allegations that Globe should have
16 paid the claim but did not?

17 A. Well, just trying to remember. I know
18 you want a simple yes or no. I will
19 say no at this time.

20 Q. Okay. How about any doctors at
21 Westgate Parkway?

22 A. That's the address of Dr. Cook and
23 Dr. Paulk.

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1 Q. Okay.

2 MR. SANSPREE: He's asking
3 about any doctors there.

4 Q. Yeah. First Med is on Westgate
5 Parkway?

6 A. Yes. Yes, sir.

7 Q. And Dr. Cook and Dr. Paulk work
8 together?

9 A. Yes, sir.

10 Q. Okay. You've seen them for different
11 health-related reasons both before and
12 after your husband passed away?

13 A. Yes.

14 Q. Okay. But as you sit here today,
15 you're not saying that you saw them
16 specifically because of the
17 allegations against Globe Life in your
18 complaint?

19 A. Not specifically, no, but the
20 allegations against Globe would not
21 have come about had it not been linked
22 to the fact that Chris died. Chris
23 died, and I was in a really sad state,

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1 so that fed into it.

2 Q. Would you agree with me that you saw
3 them because of your having to deal
4 with the death --

5 A. Yes.

6 Q. -- rather than because of this lawsuit
7 or the issues around the Globe Life
8 case?

9 A. Yes. It was six months off and on
10 that I saw them, if I recall right.
11 That's what I'm trying to remember.
12 And during which time, the claim was
13 denied, if I recall correctly.

14 MR. SANSPREE: Listen to his
15 question.

16 Q. I'm just trying to find out if you saw
17 Dr. Cook, as asked in the question,
18 for medical treatment for the
19 emotional distress alleged in your
20 complaint that you allege was caused
21 by Globe?

22 A. Yes.

23 Q. Okay. And the same for Dr. Paulk?

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1 A. Yes.

2 Q. So you saw them for emotional distress
3 allegedly caused by Globe Life?

4 A. I'm not sure.

5 Q. Okay. You said you saw Dr. Cook
6 before your husband passed away for
7 depression? Did I hear that right?

8 A. No.

9 Q. Never before -- you never were treated
10 for depression --

11 A. No.

12 Q. -- before --

13 A. No. Never.

14 Q. After you saw him for depression?

15 A. Never had, no.

16 MR. SANSPREE: He's asking you
17 after his death, you saw
18 him for depression;
19 right?

20 A. Yes.

21 Q. But not before; you did not see him
22 for depression before the death?

23 A. No.

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1 Q. Got you. Same question for Dr. Paulk,
2 did you see him for depression-related
3 issues after your husband passed away?

4 A. Yes.

5 Q. Okay. And then it says, director of
6 funeral home referred you to a grief
7 counselor.

8 A. Yes.

9 Q. And you spoke to this person,
10 apparently, over the phone?

11 A. Yes.

12 Q. Okay. Did that -- did any discussions
13 with this grief counselor have
14 anything to do with the emotional
15 distress you claim Globe Life has
16 caused you?

17 A. No.

18 Q. Okay. Have you talked to or relied on
19 any of your family or friends to help
20 you cope with emotional distress that
21 you claim that Globe Life has caused
22 you?

23 A. Repeat that.

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1 Q. Okay. Have you relied on family
2 members or friends to help you cope
3 with the emotional distress that you
4 claim Globe Life has caused you?

5 A. Yes.

6 Q. Okay. Who are those persons?

7 A. My husband.

8 Q. Anybody else that you can recall?

9 A. No.

10 Q. Okay. Tell me about the emotional
11 distress that you claim Globe Life has
12 caused you.

13 A. I don't know how to answer that.
14 Honestly.

15 Q. Okay. You're claiming mental anguish
16 in this case, or emotional distress?

17 A. Yes.

18 Q. Okay.

19 A. What did I mean by that?

20 Q. Sure.

21 A. I had a husband of 22 years, and he
22 was the bread winner, and he died, and
23 I was left with two teenage boys and

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1 no income. And when I -- relying on
2 the policies and the financial
3 provisions he had made for me should
4 anything ever happen to him, and then
5 finding that Globe was denying that
6 responsibility to fulfill the claim,
7 was pretty emotional and left me in a
8 pretty bad situation.

9 Q. Did you have some savings that you
10 could rely on after he passed away, or
11 how did you make ends meet after he
12 did pass away?

13 A. I didn't have any savings. I had
14 that -- the amount that I stated that
15 CNA paid.

16 Q. And the auto insurance?

17 A. Yeah. I had to pay for the funeral
18 expenses out of that, which was right
19 at 8,000. I had to pay all of the --

20 MR. SANSPREE: Just answer

21 what he asked you.

22 Q. Did -- have you talked to any
23 expert-type witnesses in this case

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1 about your -- your case or any
2 opinions they may want to make, if you
3 know?

4 A. No.

5 Q. Never spoken to anybody?

6 A. (Shakes head.)

7 Q. Tell me in your words what -- you may
8 have already told me; if you want to
9 rely on what you've already told me,
10 that's fine -- but what do you contend
11 that Globe did wrong in this case?

12 MR. SANSPREE: Can we get her
13 some tissue? Would you
14 like a tissue?

15 A. Globe didn't pay as they should have.
16 They didn't fulfill the claim.

17 Q. Other than the doctors that we talked
18 about just a minute ago, are there any
19 other doctors that you have seen
20 because of any of the issues relating
21 to this lawsuit?

22 A. No.

23 Q. Okay. Do you have any appointments

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1 scheduled in the future with any
2 doctors or psychiatrists,
3 psychologists, therapists, or any type
4 counselor for any of the issues
5 pertaining to this lawsuit against
6 Globe?

7 A. No.

8 Q. Okay. It's your testimony under oath
9 here today that you did not send in a
10 check to Globe for the amount of the
11 premium after your husband passed
12 away?

13 A. Repeat that.

14 Q. It's your testimony here under oath
15 that you did not send in the check
16 that we've looked at here today for
17 the premium after your husband passed
18 away?

19 A. It is my testimony that I did not send
20 in the premium after my husband passed
21 away. No, I did not send in the
22 payment after he passed away.

23 Q. Okay.

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1 A. Did I get that right? Well, you kind
2 of twisted --

3 MR. SANSPREE: He's not -- he
4 just wants to know
5 whether or not you sent
6 the payment in after he
7 died.

8 A. No, I did not send the payment in
9 after he died.

10 Q. All right. If you give me five
11 minutes, I think I'm about through.

12 (Brief recess taken.)

13 Q. I should have asked you this before
14 when we were talking about your
15 husband's accident, but I forgot to
16 ask you. How did you find out
17 about -- that he had been in a wreck,
18 and when did you find out about it?

19 A. Strange car pulled up in my driveway,
20 and I didn't know who it was. And I
21 went to the door, and this big tall
22 white-haired man staring at me kind of
23 funny met me at the door. And I said,

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1 yes; and he said, are you alone? And
2 I said, yes, why? And he said, is
3 Chris your husband? And I said, yes.
4 And he said, well, he's been killed.
5 Just like that. And I hit the ground.

6 Q. Did -- and then did you go out to the
7 scene or go to the hospital?

8 A. No. There was no hospital involved,
9 and, no, nobody would let me go. And
10 they said it was so bad.

11 Q. Okay. Do you have any -- we talked
12 about the funeral expenses -- and I
13 don't know if this is exactly the
14 answer to this question I'm fixing to
15 ask, but do you have any out-of-pocket
16 expenses associated with this case or
17 this claim that you're making against
18 Globe?

19 A. I don't understand what you --

20 Q. Do you have any out-of-pocket expenses
21 that you've had to pay yourself as a
22 result of this case and your dispute
23 with Globe?

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1 A. I had to pay -- are you speaking of
2 paying off bills, or are you
3 speaking --

4 MR. SANSPREE: Just -- I mean,
5 I've got her on a
6 contingency-fee basis, so
7 she hasn't had to pay me.

8 Q. Sometimes when there's a lawsuit and
9 somebody is suing somebody else there
10 will be items that the person suing
11 another will claim she's had to pay
12 because of what somebody else has
13 done, out-of-pocket expenses
14 associated with the wrong alleged in
15 the complaint. And what I'm asking is
16 do you have any of those type
17 out-of-pocket expenses associated with
18 this case of any sort? And it may be
19 something that you don't. I'm just
20 asking if you know of any
21 out-of-pocket expenses you've had to
22 pay because of your dispute with
23 Globe.

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1 A. No, not that I recall.

2 Q. Do you have any expenses that you
3 anticipate having to pay in the future
4 because of what you claim Globe may or
5 may not have done?

6 A. No.

7 Q. Okay. In this case, you've sued Globe
8 for breach of contract, and you've
9 also sued them for bad faith. And
10 what I'm asking is, are you alleging
11 that Globe failed to investigate your
12 claim?

13 A. Repeat that.

14 Q. Okay. Well, let me ask you this: One
15 of the allegations in your complaint
16 is that Globe Life has intentionally
17 and in bad faith failed and refused to
18 properly pay or investigate
19 plaintiff's claim for accident --
20 accidental death benefits. And let me
21 ask you, do you have any first-hand
22 knowledge or evidence that Globe Life
23 intentionally and in bad faith failed

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1 to investigate this claim?

2 A. Yes.

3 Q. Okay. What is it?

4 A. Well, they led me to believe all along
5 that they were going to fulfill this
6 claim, and then told me they were
7 cutting a check. I said, okay. And
8 then, in fact, did receive a check,
9 but it was a reimbursement check of my
10 premium.

11 Q. Okay. Is that the evidence that you
12 have that Globe intentionally and in
13 bad faith failed to investigate your
14 claim?

15 A. Yeah. The payment was made -- the
16 payment was made when it had to be
17 there. The policy was still in
18 effect, had not lapsed. And they
19 didn't pay me what they owed me.

20 Q. Are you alleging in this case that
21 Globe had no arguable reason for re --
22 for refusing to pay the benefits owed
23 to you?

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1 A. Rephrase that.

2 Q. Okay. Are you saying in your
3 complaint that Globe had no arguable
4 reason for failing or refusing to pay
5 the benefits that you allege are owed
6 to you?

7 MR. SANSPREE: I'm going to
8 have to object to that.
9 Arguable is legal,
10 George. I mean, can you
11 rephrase it?

12 MR. PARKER: Sure.

13 Q. Are you alleging in your complaint
14 that Globe had no reason for refusing
15 to pay the amounts that you allege
16 were owed?

17 A. Yes.

18 Q. If -- if this payment was made
19 after -- I know what you've told me; I
20 know what your testimony has been --
21 but if the payment was made after your
22 husband had passed, would you think
23 that Globe would owe money under this

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1 policy?

2 MR. SANSPREE: Same objection.

3 You have to answer, but I
4 was objecting. It
5 depends on a lot of
6 things.

7 Q. I'm asking you a hypothetical, but
8 under the facts that we know of -- and
9 I know what you've already testified
10 about -- but under the facts that we
11 know of, if a payment was made by
12 somebody else under the same and
13 similar circumstances after the person
14 on the policy had deceased, would you
15 think that the insurance company would
16 still owe payments under that
17 scenario?

18 MR. SANSPREE: Object to the
19 form of the question. Go
20 ahead and answer it.

21 A. Payment being made or payment being
22 received by Globe?

23 Q. Payment being sent in and mailed.

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1 MR. SANSPREE: After --

2 Q. The check being written and the check
3 being mailed after that person had
4 died.

5 A. Mailed in after that person -- written
6 and mailed in after that person died
7 in a hypothetical situation, would I
8 think --

9 Q. That the insurance company would have
10 to pay the benefits under the policy?

11 A. In a perfect situation like that, no.
12 But with all other -- you know, people
13 have other...

14 Q. Okay. Let's assume that -- that the
15 exact same set of circumstances
16 happened to somebody else, not you,
17 and --

18 (Off-the-record discussion.)

19 Q. In your case and you've already
20 testified you mailed the check on
21 the -- you wrote the check on the 4th,
22 mailed the check on the 5th. Let's
23 assume somebody else with the exact

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1 same set of facts happened to them,
2 but that person, the widow in that
3 case, mailed the check on the 8th,
4 wrote the check and mailed the check
5 on the 8th to Globe Life -- you follow
6 me?

7 A. But it can't be that way. If you say
8 that she wrote the check and mailed
9 the check in the same -- like I did,
10 in the same situation, before he
11 died --

12 Q. Right. I'm saying --

13 MR. SANSPREE: He's asking if
14 it's after.

15 Q. The only thing difference -- the only
16 thing different would be instead of
17 the way you say it happened, the
18 person in Scenario B wrote the check
19 on the 7th, after somebody had died,
20 and mailed the check on the 7th, after
21 somebody had died, and it was received
22 by the insurance company on the 16th,
23 under those circumstances, would you

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1 say that the insurance company
2 should -- should pay that claim?

3 A. Are you trying to trick me?

4 MR. SANSPREE: He's just
5 asking you a hypothetical
6 question.

7 Q. I'm just asking you a hypothetical.

8 A. No. I don't guess.

9 Q. Okay. Did anybody do your -- you and
10 your husband's taxes around the 2003,
11 2004 time frame, or did y'all just do
12 them yourselves?

13 A. I did.

14 Q. You did them?

15 A. I believe, yeah.

16 (Off-the-record discussion.)

17 Q. Okay. I think that's all I have.

18 (Off-the-record discussion.)

19 EXAMINATION

20 BY MR. SANSPREE:

21 Q. I'm going to show you what I've marked
22 as Plaintiff's 1.

23 (The referred-to document was

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1 marked for identification as
2 Plaintiff's Exhibit No. 1.)

3 MR. PARKER: Is that the --

4 MR. SANSPREE: My subpoenas,
5 yeah.

6 MR. PARKER: Can I look at
7 that? Do you have it
8 marked?

9 MR. SANSPREE: I just took a
10 page out.

11 MR. PARKER: Okay.

12 MR. SANSPREE: What I did is I
13 usually just write a
14 letter -- when you send a
15 subpoena, I just write a
16 letter saying give them
17 to me too.

18 Q. In Plaintiff's 1, do you see Check No.
19 949 down at the bottom left-hand
20 corner?

21 A. Yes, I do.

22 Q. And what's the date on 949?

23 A. 1/4/04.

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1 Q. And then do you see at the top or in
2 the middle of left-hand side, Check
3 No. 951?

4 A. Yes, I do.

5 Q. And what date is that?

6 A. 1/8/04.

7 Q. I show you what I'm going to mark as
8 Plaintiff's 2.

9 (The referred-to document was
10 marked for identification as
11 Plaintiff's Exhibit No. 2.)

12 MR. PARKER: Can I come behind
13 y'all?

14 MR. SANSPREE: Yeah.

15 Q. I show you on top of Plaintiff's 2 at
16 the top left-hand corner, do you see
17 where it's Check No. 950, which is the
18 check at issue in this case; do you
19 see that?

20 A. Yes.

21 Q. And what is the date at the top of the
22 Check 950?

23 A. 1/4/03.

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1 Q. And, just for the record, again, Check
2 No. 949, which is before 950, is dated
3 what date?

4 A. 1/4/04.

5 Q. And you mailed -- did you mail 949 at
6 the same time you mailed Check No.
7 950?

8 A. Yes.

9 Q. Back to Defendants' Exhibit C, which
10 is Lurie 001, what's the date of that
11 notice -- premium notice?

12 A. Here?

13 Q. Yes, ma'am.

14 A. January 16th, 2004.

15 Q. Is January 16th, 2004, is that after
16 your husband's death?

17 A. Yes, it is.

18 Q. Is that after you and Mr. Matthews
19 notified Mr. Matthews of your
20 husband's death?

21 A. Yes, it is.

22 Q. And what date did you notify Globe
23 Life of your husband's death with

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1 Mr. Matthews?

2 A. January 12th, 2004.

3 Q. And what date was Check No. 950 cashed
4 by -- or deposited by Globe Life?

5 A. January 16th.

6 Q. Okay. I'm sorry. In Lurie 020 -- and
7 you testified earlier that you
8 received that -- you see where it
9 states that they must -- Globe Life
10 must receive your premium payment by
11 January 17th, 2004?

12 A. Yes, I do.

13 Q. Did they receive your premium payment
14 by January 17th, 2004?

15 A. Yes, they did.

16 Q. And you received LURIE 1 after that,
17 again; correct?

18 A. Yes.

19 Q. And what does LURIE 1 indicate to you,
20 the premium notice of January 16th,
21 2004? What does that indicate to you?

22 A. It indicates to me that the policy was
23 still in effect.

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1 Q. At any time prior to May 18th, 2004 --
2 you filed the claim with Globe Life on
3 January 12th; you notified them of the
4 death; correct?

5 A. Right.

6 Q. At any time between January 12th and
7 May 18th, 2004, were you told by Globe
8 Life that they were going to use the
9 fact that the premium payment was late
10 to deny your claim?

11 A. No.

12 Q. And did you ever receive a letter -- a
13 reservation of rights by Globe Life
14 regarding the premium payment being
15 late prior to May 18th, 2004?

16 A. No.

17 Q. Do you know why -- do you have any
18 reason to believe or any knowledge
19 why -- not any reason to believe -- do
20 you have any knowledge why Globe Life
21 would send you another premium notice
22 on January 16th, 2004, if your policy
23 had, in fact, elapsed, or your

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1 husband's policy had lapsed?

2 A. I wondered why they would do that.

3 Q. That's all I've got.

4 MR. SANSPREE: Do you have
5 anything, George?

6 MR. PARKER: No. Just hold on
7 a second. I don't think
8 I have any more
9 questions. That's it.
10 Thank you.

11 (The deposition of KAREN FRANCES LURIE
12 BRITTON concluded at approximately
13 1:33 p.m. on July 25, 2006.)
14
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REPORTER'S CERTIFICATE

* * * * *

STATE OF ALABAMA

COUNTY OF ELMORE

I, Tiffany B. Beasley,
Certified Court Reporter and Notary
Public in and for the State of Alabama
at Large, do hereby certify that on
July 25, 2006, pursuant to notice and
stipulation on behalf of the
Defendants, I reported the deposition
of KAREN FRANCES LURIE BRITTON, who
was first duly sworn by me to speak
the truth, the whole truth, and
nothing but the truth, in the matter
of KAREN LURIE, Plaintiff, versus
GLOBE LIFE AND ACCIDENT INSURANCE
COMPANY, et al., Defendants, Civil
Action Number 1:06-cv-0034MEF, now
pending in the United States District

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1 Court for the Middle District of
2 Alabama, Southern Division; that the
3 foregoing 133 typewritten pages
4 contain a true and accurate
5 transcription of the examination of
6 said witness by counsel for the
7 parties set out herein; that the
8 reading and signing of said deposition
9 was not waived by witness and counsel
10 for the parties.

11 I further certify that I am
12 neither of kin nor of counsel to the
13 parties to said cause, nor in any
14 manner interested in the results
15 thereof.

16 This 8th day of August, 2006
17
18
19

20 Tiffany B. Beasley, CCR
21 Reporter and Notary Public
22 State of Alabama at Large
23

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WITNESS SIGNATURE PAGE

* * * * *

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KAREN LURIE,
Plaintiff,

vs.

CIVIL ACTION NO.
1:06-cv-0034MEF

GLOBE LIFE ACCIDENT
INSURANCE COMPANY, et al.,

Defendants.

I, KAREN FRANCES LURIE BRITTON,
hereby certify that I have read the
deposition enclosed herein and that it
is a true and accurate transcription
of the deposition given by me in this
cause with the corrections or
additions, if any, indicated by me on
the attached errata sheet.

Signature of Witness
Subscribed and sworn to before me this
day of , 2006.

Notary Public

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